

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 23-21065-ALTONAGA/Damian

JONATHAN CONDE, et. al.,

Plaintiff,

v.

CDJ OF 152ND ST MIAMI LLC

Defendant.

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JOINT SCHEDULING REPORT

Plaintiff, JONATHAN CONDE (“Plaintiff”), and Defendant, CDJ OF 152ND ST MIAMI LLC (“Defendant”), pursuant to Local Rule 16.1(b)(2) and the Court’s Order Requiring Joint Scheduling Report [D.E. 8], hereby submit this Joint Scheduling Report, as follows:

(A) Likelihood of Settlement: The Parties are presently reviewing the claims and defenses in this case and will engage in good faith efforts to settle upon being fully apprised of the facts. Should the matter be settled, the Parties will promptly notify the Court.

(B) Likelihood of Appearance in the Action of Additional Parties: At this time, Plaintiff anticipates moving for class certification on certain claims. The Parties are also still in the process of reviewing all facts and may seek leave to amend the pleadings to add additional Parties if appropriate.

(C) Proposed Limits on the Time:

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| (i) <u>To Join Other Parties and to Amend the Pleadings:</u> | 08/1/2023 |
| (ii) <u>To File and Hear Motions:</u> | 02/26/2024 |
| (iii) <u>To Complete Discovery:</u> | 01/31/2024 |

(D) Proposals for Formulation and Simplification of Issues, including the elimination of frivolous claims or defenses and the number and timing of motions for summary judgment or partial summary judgment: At this time, the Parties do not have any proposals for the formulation and simplification of any issues, other than the use of Requests for Admissions, Rule 26 Initial Disclosures, and reasonable stipulations. As the case progresses, the Parties will, if appropriate, confer to discuss proposals for the formulation and simplification of issues.

(E) Necessity or Desirability of Amendments to Pleadings: The Parties do not foresee the need to amend the pleadings at this time but anticipate completing any amendments to the pleadings by the date proposed by the Parties' Proposed Joint Scheduling Order or any other date ordered by this Honorable Court.

(F) Possibility of Obtaining Admissions of Fact and of Documents, ESI or things which will Avoid Unnecessary Proof, Stipulations Regarding Authenticity of Documents, ESI or things, and the Need for Advance Rulings from the Court on Admissibility of Evidence: The Parties will endeavor to agree to admissions of fact and will confer prior to trial to stipulate to the authenticity and admissibility of documentary evidence. The Parties also agree to exchange all documents required by Fed. R. Civ. P. 26(a). The Parties will confer to stipulate to undisputed facts relevant to the issues involved in this case and will utilize the required joint pretrial stipulation for this purpose. At this time, the Parties do not anticipate any discovery related issues that will require court intervention. However, if at a later date, ESI production procedures appear to be necessary, the Parties will confer at that time to reach an agreement on ESI production protocol and specifications. The Parties do not believe there is a need for advance rulings on the admissibility of evidence.

(G) Suggestions on the Avoidance of Unnecessary Proof and of Cumulative Evidence: The Parties agree to consider stipulations, including those regarding the authenticity and admissibility of evidence and undisputed facts, in order to narrow the issues for trial.

(H) Suggestions on the Advisability of Referring Matters to a Magistrate Judge: The parties agree to refer all discovery matters to the Magistrate Judge subject to the right to object under FED. R. CIV. P. 72. The parties do not consent to referring any other matter to the Magistrate Judge at this time.

(I) Preliminary Estimate of the Time Required for Trial: The Parties estimate this matter will require 4-5 days of trial.

(J) Dates for Conferences Before Trial, a Final Pretrial Conference, and Trial: The Parties request a pretrial conference. The Parties request for the trial to commence on May 1, , 2024.

(K) Discovery: The Parties currently intend to seek discovery with respect to all appropriate matters within the scope of Fed. R. Civ. P. 26(b). The Parties consent to receive discovery requests and responses via e-mail, pursuant to Fed. R. Civ. P. 5(b)(2)©. The Parties do not believe that discovery should be conducted in phases.

(L) Electronically stored information: They Parties agree that they may produce information from electronic or computer-based media. The Parties agree to take reasonable measures to preserve potentially discoverable data from alteration or destruction in the ordinary course of business or otherwise.

(M) Privilege and trial preparation materials: The Parties agree that the standard procedures contained in Fed. R. Civ. P. 26(b) and other governing rules will govern any claims asserted by the Parties. If information produced in discovery is subject to a claim of privilege or

of protection as trial-preparation material, the Parties agree to fully comply with the Federal Rules of Civil Procedure including Rule 26(b)(5)(B) concerning return, sequestration, preservation and destructions of the information.

(N) Limitations on discovery: The Parties do not anticipate any changes or limitations on the scope of discovery provided in Fed. R. Civ. P. 26(b) or other governing rules.

(O) Any other orders: The Parties do not anticipate the need for the court to issue any other orders pursuant to Fed. R. Civ. P. 26©, at this time.

(P) Joint Proposed Scheduling Order: The Parties propose the Joint Scheduling Order within Exhibit A, which is based on the standard case management track:

Respectfully submitted,

**MCLUSKEY, MCDONALD
& HUGHES, P.A.**

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